



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 13, 2005

**REGISTERED MAIL**  
**RB 253 008 341 US**

Patrick D. Baughman, P.E.  
Pierce County Public Works and Utilities  
Transportation Services  
2401 South 35<sup>th</sup> Street, Room 150  
Tacoma, WA 98409-7485

Dear Mr. Baughman:

RE: **Order No. 1819:** Administrative Order for placement of fill in 1.28 acres of isolated wetlands for the widening of Canyon Road East in Pierce County, Washington

The request for an administrative order for proposed work in isolated wetlands in Pierce County has been reviewed. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Gretchen Lux at 360-407-6221. Written comments can be sent to Gretchen at the Department of Ecology, P.O. Box 47775, Olympia, WA 98504-7775 or at e-mail [glux461@ecy.wa.gov](mailto:glux461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Perry J Lund  
Unit Supervisor  
Shorelands and Environmental Assistance Program

PJL:dn

cc: Mary Van Heron, Pierce County  
Gretchen Lux, Ecology, SWRO

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY )  
Pierce County )  
Department of Public Works and Utilities )  
Transportation Services )  
FOR AN ADMINISTRATIVE ORDER TO ) ORDER NO. 1819  
CONDUCT WORK IN AN ISOLATED WETLAND )

To: Mr. Patrick D. Baughman, P.E.  
Pierce County Public Works and Utilities  
Transportation Services  
2401 South 35<sup>th</sup> Street, Room 150  
Tacoma, WA 98409-7485

This is an Administrative Order requiring Pierce County Department of Public Works and Utilities Transportation Services to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On September 14, 2004, Pierce County Department of Public Works and Utilities Transportation Services submitted a request to impact 1.28 acres of isolated wetlands to widen Canyon Road East from 116<sup>th</sup> Street East to 160<sup>th</sup> Street East. This will involve changing the existing 4-lane facility to a roadway which will provide three lanes in each direction, a center median/turn lane, and associated gutters, sidewalks, street lights, and traffic signals for a total roadway width of 112 feet.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that Pierce County Department of Public Works and Utilities Transportation Services shall comply with the following:

1. Pierce County Department of Public Works and Utilities Transportation Services shall construct and operate the project in a manner consistent with the project description contained in the Pierce County Department of Public Works and Utilities Transportation Services Wetland Analysis Report and Mitigation Plan for Canyon Road East, 116<sup>th</sup> Street East to 160<sup>th</sup> Street East, CRP 5404 & 5433 dated September 2004 or as otherwise approved by Ecology.
2. Project mitigation shall be constructed and maintained as described in the Pierce County Department of Public Works and Utilities Transportation Services Wetland Analysis Report and Mitigation Plan for Canyon Road East, 116<sup>th</sup> Street East to 160<sup>th</sup> Street East, CRP 5404 & 5433 dated September 2004.
3. Pierce County Department of Public Works and Utilities Transportation Services shall provide access to the project site and all mitigation sites upon request by Ecology.
4. Mitigation for this project shall be completed as described in the following documents:
  - a) "As-Built" Report for Wetland Mitigation Sites 1 and 2: A revised "as-built" report and drawing documenting the final design of the project area shall be prepared when site

construction and all planting is completed. The "as-built" documents shall include the following:

- Final site topography;
- Photographs of the area taken from permanent reference points;
- The installed planting scheme showing quantities, densities, sizes, and approximate locations of plants, as well as plant sources and the time of planting;
- Types of habitat features (e.g., snags, large woody debris) and their locations; and,
- An analysis of any changes to the mitigation plan that occurred during construction.

A copy of the "as-built" report and drawing shall be sent to Ecology's Southwest Regional Office Attn.: Gretchen Lux at P.O. Box 47775, Olympia, WA 98504-7775, within 60 days of completing construction and planting, and in no case later than December 31, of the year that construction is completed.

- b) Deed Restriction: Permanent protection of the wetland mitigation and preservation areas and buffers shall be recorded on the property deed for Wetland Mitigation Sites 1 and 2. The deed shall clearly indicate that the wetland mitigation and preservation areas are "waters of the state". Documentation that this requirement has been fulfilled shall be provided to Ecology's Gretchen Lux as part of the "as-built" report. Documentation of protection at the Martin Preserve Mitigation Area has been provided to Ecology by Washington State Fish and Wildlife per the Interlocal Government Agreement with Pierce County Public Works and Utilities.
5. Pierce County Department of Public Works and Utilities Transportation Services shall ensure that all appropriate project engineers and contractors at the project and mitigation sites shall have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment #A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology no more than 30 and no less than seven (7) days before that project engineer or contractor is scheduled to start work on the portion of the project they are responsible for.
6. Monitoring and Contingency Plan: Monitoring shall be done as described in the "Pierce County Department of Public Works and Utilities Transportation Services Wetland Analysis Report and Mitigation Plan for Canyon Road East, 116<sup>th</sup> Street East to 160<sup>th</sup> Street East, CRP 5404 & 5433" dated September 2004.
- a) A written report describing the monitoring results will be submitted to the Department of Ecology the second, fourth, sixth, eighth and tenth years after completion of the mitigation installation.
- b) Performance Standards: Mitigation efforts shall be monitored for compliance with the performance standards referenced on page 41 of the "Pierce County Department of Public Works and Utilities transportation Services Wetland Analysis Report and Mitigation Plan for Canyon Road East, 116<sup>th</sup> Street East to 160<sup>th</sup> Street East, CRP 5404 & 5433" dated September 2004 and as included in the addendum dated January 12, 2005 and as shown on the Mitigation Plan drawings. If the results of monitoring show that the Mitigation Area does not satisfy the performance standards set forth in the Mitigation Plan, additional monitoring and mitigation may be required (e.g., replanting, soil


amendments, selection of alternative species, revaluation of the Standard of Success, etc.). Any additional monitoring or mitigation measures are subject to review and approval by Ecology prior to implementation.

- c) The wetland mitigation planting plan shall be field supervised and inspected by a qualified wetland specialist(s) during grading and planting operations, as well as after planting has been completed, to ensure proper installation.
  - d) The boundaries of the mitigation area and buffers shall be permanently marked with stakes at least every 100 feet. The marking shall include signage that clearly indicates that clearing vegetation, excavation, placement of fill, and fertilizer/pesticide applications are prohibited within mitigation areas.
- 7. Pierce County Department of Public Works and Utilities Transportation Services shall provide notice to Ecology's Gretchen Lux, Shorelands and Environmental Assistance Program at (360) 407-6221 or e-mail [glux461@ecy.wa.gov](mailto:glux461@ecy.wa.gov) at least 3 days prior to the start of placing fill in wetlands or other waters of the state.
  - 8. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
  - 9. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
  - 10. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

Any person aggrieved by Order 1819 may obtain review thereof by appeal. Pursuant to ch. 43.21B. RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, PO Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

DATED this 14 day of JUNE, 2005, at Olympia, Washington.

  
\_\_\_\_\_  
Perry J Lund  
Unit Supervisor  
Shorelands and Environmental Assistance Program

Attachment # A  
Administrative Order No. 1819  
Statement of Understanding

I, \_\_\_\_\_, state that, I will be involved as an agent or contractor for Pierce County Department of Public Works and Utilities Transportation Services, in the widening of Canyon Road East from 116<sup>th</sup> Street East to 160<sup>th</sup> Street East. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Administrative Order #1819 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company